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**Introduced by Senator Chesbro**February 15, 2005

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An act to amend Section 5845 of the Welfare and Institutions Code, relating to mental health.

## LEGISLATIVE COUNSEL'S DIGEST

SB 257, as introduced, Chesbro. Mental health services.

Existing law, the Mental Health Services Act, establishes the Mental Health Services Oversight and Accountability Commission, sets forth provisions relating to the appointment and qualification of its members, and prescribes the commissions oversight duties regarding the provision of services under the act. The act, an initiative measure, permits amendment by the Legislature to further the purposes of the act by a  $\frac{2}{3}$  vote of both houses and permits amendment to clarify procedures and terms by a majority vote of both houses.

This bill would require the commission to elect, from its members, a chair and vice chair at its first meeting and annually thereafter.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5845 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 5845. (a) The Mental Health Services Oversight and
- 4 Accountability Commission is hereby established to oversee Part
- 5 3 (commencing with Section 5800), the Adult and Older Adult
- 6 Mental Health System of Care Act; Part 3.1 (commencing with
- 7 Section 5820), Human Resources, Education, and Training
- 8 Programs; Part 3.2 (commencing with Section 5830), Innovative

1 Programs; Part 3.6 (commencing with Section 5840), Prevention  
2 and Early Intervention Programs; and Part 4 (commencing with  
3 Section 5850), the Children's Mental Health Services Act. The  
4 commission shall replace the advisory committee established  
5 pursuant to Section 5814. The commission shall consist of 16  
6 voting members as follows:

7 (1) The Attorney General or his or her designee.

8 (2) The Superintendent of Public Instruction or his or her  
9 designee.

10 (3) The Chairperson of the Senate Health and Human Services  
11 Committee or another member of the Senate selected by the  
12 President pro Tempore of the Senate.

13 (4) The Chairperson of the Assembly Health Committee or  
14 another member of the Assembly selected by the Speaker of the  
15 Assembly.

16 (5) Two persons with a severe mental illness, a family member  
17 of an adult or senior with a severe mental illness, a family  
18 member of a child who has or has had a severe mental illness, a  
19 physician specializing in alcohol and drug treatment, a mental  
20 health professional, a county sheriff, a superintendent of a school  
21 district, a representative of a labor organization, a representative  
22 of an employer with less than 500 employees and a  
23 representative of an employer with more than 500 employees,  
24 and a representative of a health care services plan or insurer, all  
25 appointed by the Governor. In making appointments, the  
26 Governor shall seek individuals who have had personal or family  
27 experience with mental illness.

28 (b) Members shall serve without compensation, but shall be  
29 reimbursed for all actual and necessary expenses incurred in the  
30 performance of their duties.

31 (c) The term of each member shall be three years, to be  
32 staggered so that approximately one-third of the appointments  
33 expire in each year. *The commission shall elect, from its*  
34 *members, a chair and vice chair at its first meeting and annually*  
35 *thereafter.*

36 (d) In carrying out its duties and responsibilities, the  
37 commission may do all of the following:

38 (1) Meet at least once each quarter at any time and location  
39 convenient to the public as it may deem appropriate. All  
40 meetings of the commission shall be open to the public.

1 (2) Within the limit of funds allocated for these purposes,  
2 pursuant to the laws and regulations governing state civil service,  
3 employ staff, including any clerical, legal, and technical  
4 assistance as may appear necessary.

5 (3) Establish technical advisory committees such as a  
6 committee of consumers and family members.

7 (4) Employ all other appropriate strategies necessary or  
8 convenient to enable it to fully and adequately perform its duties  
9 and exercise the powers expressly granted, notwithstanding any  
10 authority expressly granted to any officer or employee of state  
11 government.

12 (5) Develop strategies to overcome stigma and accomplish all  
13 other objectives of Part 3.2 (commencing with Section 5830), 3.6  
14 (commencing with Section 5840), and the other provisions of the  
15 act establishing this commission.

16 (6) At any time, advise the Governor or the Legislature  
17 regarding actions the state may take to improve care and services  
18 for people with mental illness.

19 (7) If the commission identifies a critical issue related to the  
20 performance of a county mental health program, it may refer the  
21 issue to the State Department of Mental Health pursuant to  
22 Section 5655.